

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NEW YORK STATE RIFLE AND PISTOL
ASSOCIATION, INC., et al.,

Plaintiffs,

v.

THE CITY OF NEW YORK, et al.,

Defendants.

Case No.: 1:13-cv-2115-RWS

**NOTICE OF CROSS-MOTION
FOR SUMMARY JUDGMENT**

Motion by:

All Plaintiffs

Relief Demanded:

A summary judgment pursuant to Fed. R. Civ. P. 56 for an Order: (1) granting declaratory judgment that 38 RCNY § 5-23 is unconstitutional as it violates the following provisions of the U.S. Constitution: (a) the Second Amendment, (b) the constitutional right to travel found in the Privileges and Immunities Clauses and Equal Protection Clause, (c) the First Amendment rights to freedom of association and freedom of speech, and (d) the dormant Commerce Clause, as well as the Firearm Owners Protection Act; and (2) permanently enjoining the implementation and enforcement of 38 RCNY § 5-23 by the New York City Police Department in any manner that prohibits or precludes the plaintiffs from traveling beyond either the borders of New York City or New York State with a licensed handgun to attend a shooting range or competition or to travel to a second home.

Supporting Papers:

Affidavit of Romolo Colantone dated April 30, 2013 [Docket No. 10-1]; Affidavit of Efrain Alvarez dated 25, 2013 [Docket No. 10-3]; Affidavit of Jose Irizarry dated April 26, 2013 [Docket No. 10-2]; Plaintiffs' Statement of Material Facts Pursuant to Local Rule 56.1 dated July 15, 2014; Memorandum of Law; and all prior papers and proceedings herein.

Grounds for Relief:

U.S. Const., amend. II
U.S. Const., amend. I
U.S. Const., art. I, § 8, cl. 3
U.S. Const., art. IV, § 2
U.S. Const., amend XIV

18 U.S.C. § 926A
Fed.R.Civ.P. 56

Return Date of Motion:

Pursuant to the Court's Order, opposing papers (if any) shall be filed by August 8, 2014, Reply papers (if any) are to be filed by August 22, 2014. NOTE: to the extent required, the movants herein intend to file and serve reply papers.

**Date, Time, and Place
of Hearing on Motion:**

September 17, 2014 at 12:00 p.m.
U.S. District Court for the Southern District of New York
500 Pearl Street, New York, NY 10007-1312
Courtroom of the Hon. Robert W. Sweet

Dated: July 16, 2014

Respectfully Submitted,

GOLDBERG SEGALLA, LLP

By: /s/ Brian T. Stapleton

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